

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re)	Case No. 15-41161-399
)	Chapter 13
SAMUEL F. SORBELLO and)	
SS# XXX-XX-1427)	
)	
Debtor.)	<u>ORDER AND</u>
)	<u>NOTICE OF RE-CONVERSION</u>

On February 24, 2015, the Debtor filed his Chapter 7 Voluntary Petition. On April 15, 2015, the Debtor filed his Motion to Convert his Chapter 7 to a Chapter 13 case and I granted that Motion in it's entirety by and Order entered on the docket on April 24, 2015, that contained the following provision:

This case will be reconverted from Chapter 13 to Chapter 7 without further notice or hearing if the Debtor(s) fail to timely:

- a. file the documents required by this Order;**
- b. attend the Chapter 13 §341 meeting of creditors;**
- c. propose a plan in good faith; or**
- d. timely commence plan payments.**

On April 30, 2015 the Chapter 13 Trustee had filed his Motion to Dismiss for failure to commence plan payments (doc 17) set for hearing Motion for June 3, 2015. On May 18, 2015, the prior Chapter 7 Trustee filed a response to that Motion stating that Debtors filed their reply (doc 31) stating that "(a) the Chapter 13 Trustee's Motion should be denied, (b) that the Debtor's Chapter 13 case be converted back to a Chapter 7."

Upon the Court's own Motion and careful review of the record in this case, the Debtor having failed to comply with this Court's Order of April 24, 2015, converting this case to Chapter 13 in that the Debtors failed to timely commence plan payments.

IT IS ORDERED:

This case is re-converted to a case under Chapter 7 of the Bankruptcy Code as of **June 15, 2015**, and this Order constitutes the order for relief under Chapter 7.

Any Order to Deduct from Wages or Other Income previously entered in this case is **SET ASIDE** and the employer is directed to cease withholding from Debtor's wages in respect to this Chapter 13 case.

All pending Chapter 13 matters are **DENIED** as moot with the exception of any pending motions for relief from stay and motions to avoid liens. Movant may contact the Courtroom Deputy Clerk for a hearing date in these matters in the converted Chapter 7 case. .

The Chapter 7 trustee previously appointed in this case is reinstated and shall serve with blanket surety bond posted pursuant to standing orders of this Court. Chapter 7 Trustee shall determine the necessity of holding a Chapter 7 § 341 Meeting of Creditors.

If a § 341 Meeting of creditors is to be held, the Chapter 7 Trustee shall coordinate scheduling and notice of the Meeting of Creditors with the Court, the United States Trustee and the Debtor. The Debtor shall serve notice of the Meeting of Creditors upon all parties in interest and shall file a certificate of service thereof.

IT IS FURTHER ORDERED

If not already filed, on or before **June 29, 2015**, Debtors shall file the documents required by Local Rule 1019 for a case being converted from Chapter 13 to Chapter 7. **Failure to file any of such documents shall result in an Order of Show Cause why Sanctions shall not apply upon further Order and Notice by the Court.**

IT IS FURTHER ORDERED

The Chapter 13 trustee is directed to return any remaining funds to the Debtor(s). The Chapter 13 trustee shall promptly file his final report, and, upon doing so, is discharged as trustee and is relieved of and discharged from his bond.

DATED: June 15, 2015

St. Louis, Missouri
amw



Barry S. Schermer
United States Bankruptcy Judge

Copy mailed to:

Dean D. Meriwether / Critique Services
3919 Washington Avenue
St. Louis, MO 63108
ATTORNEY FOR DEBTOR

Samuel F Sorbello
9742 Hwy 21
Hillsboro, MO 63050
DEBTOR

John V. LaBarge, Jr
P.O. Box 430908
St. Louis, MO 63143
CHAPTER 13 TRUSTEE

E. Rebecca Case
7733 Forsyth Blvd., Suite 500
Saint Louis, MO 63105
CHAPTER 7 TRUSTEE

Office of U.S. Trustee
111 South Tenth Street
Suite 6353
St. Louis, MO 63102

All Creditors and Parties in Interest Listed on the mailing matrix

(2/05)